

REMARKS

A. Status of the Application and Previous Correspondence

Applicant had filed a second Preliminary Amendment on October 21, 2004. The Second Preliminary Amendment was stamped received by the OIPE on October 21, 2004 (see attached photocopy of stamped return-receipt postcard designated "1").

The outstanding Office Action of February 23, 2005 did not consider the amended claims filed in the Second Preliminary Amendment (see Office Action Summary page). Applicant's representative contacted the Examiner by telephone around March 29, 2005, and the Examiner kindly agreed to issue a Supplemental Office Action that reflects the Second Preliminary Amendment, since the Second Preliminary Amendment had been received by the PTO, but not been forwarded to the Examiner's personal docket. Applicant also filed a formal request for a Supplemental Action on March 29, 2005, and this Request was received by the PTO (see attached PTO facsimile receipt designated "2").

A subsequent telephone call was made to the Examiner on about May 24, 2005, and a copy of the Second Preliminary Amendment, stamped postcard receipt and Express Mail stamp from the Second Preliminary Amendment were faxed to the Examiner.

Applicant's representative again contacted the Examiner by telephone on August 4, 2005, and Applicant re-faxed the Request for Supplemental Action dated March 29, 2005 including the Second Preliminary Amendment dated October 21, 2004. This transmission was faxed to the Examiner's personal fax number (see attached facsimile transmission receipt designated "3").

A Supplemental Office Action has not yet issued.

In order to maintain the pendency of this Application, the present Response resubmits the claims of the Second Preliminary Amendment dated October 21, 2004. The claims have been designated "previously presented", since the claims were received by the PTO on October 21, 2004. In addition, the present Response contains arguments concerning the patentability of the present invention over the references cited in the outstanding Office Action, in order to respond to the February 23, 2005 Office Action.

Applicant respectfully requests waiver of the 3-month extension fee in light of the circumstances of this Response.

B. The Present Invention

The present invention is directed to a lathe with a pieces manipulating device.

In one of the novel aspects of the invention, the lathe includes two independent trolleys movable on the same longitudinal guide, the first trolley holding the manipulating device and the second trolley holding the tool-bearing turret.

Applicant has discovered that the lathe of the present invention decreases operating time, allows for a bigger head, provides rigid fastening, increases charging capacity, and achieves other advantages compared to conventional lathes (page 5, lines 2-22).

C. Specification Amendments

The Specification has been amended to insert conventional section headings.

D. Status of the Claims

Claims 1 and 6-8 are presented for further prosecution. Claims 2-5 were cancelled and claims 7-8 were added in the Second Preliminary Amendment dated October 21, 2004.

E. The Office Action

Claims 1 and 6 had been rejected as being anticipated by Karr (US 5,165,313). The specification had been objected to for failing to include conventional section headings. In addition, claims 1 and 6 had been rejected as being indefinite.

1. Karr does not teach or suggest a first trolley that holds a manipulating device and a second trolley that holds a turret

Claims 1 and 7 recite a trolley that holds the manipulating device and a trolley that holds the turret. This aspect of the present invention is illustrated in Figure 1, where trolley 6 holds manipulator 7 and trolley 14 holds turret 13.

Karr does not teach or suggest the two trolleys of claims 1 and 7. As shown in Figure 1 of Karr, lathe 12 is composed of carriage 24 and turret 18. The lathe of Karr does not include the two trolleys of claims 1 and 7.

It is respectfully submitted that the present invention is patentable over Karr.

2. Objection to the Specification

The Examiner had objected to the specification for lacking section headings, and had required a substitute specification in idiomatic English.

The Specification has been amended to include conventional section headings. However, Applicant has not provided a substitute specification since it is believed that the current specification is written clearly and complies with the requirements of 35 USC § 112. Reconsideration of the specification is respectfully requested.

3. Claim Rejections under 35 USC § 112

Claims 1 and 6 had been rejected as indefinite. The Examiner had stated that the format of the claims does not comply with conventional US practice.

As a result of the amendments of the Second Preliminary Amendment, Applicant respectfully submits that claims 1 and 6-8 are in form proper. Applicant also notes that claims 1 and 6-8 are presented in Jepson form which is acceptable under US law.

F. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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DCL/mr

Encl: 3 sheets indicating receipt by the PTO
Return receipt postcard